

Economic Impact Statement
LSA Document #09-616

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**Estimated Number of Small Businesses Subject to this Rule:**

An estimated 250 small businesses will be subject to the aquatic vegetation control permit in [312 IAC 9-10-3](#) and an additional 100 small businesses will be subject to the fish hauler's and supplier's permit in [312 IAC 9-10-14](#).

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:

\$10 per year for an estimated time of one hour per year and a cost of \$10 per hour.

Estimated Total Annual Economic Impact on Small Businesses to Comply:

\$10.

Justification Statement of Requirement or Cost:

Businesses that apply for a fish hauler's and supplier's permit may be affected by the requirements that a person applying for the permit must first establish that a fish that is raised in Indiana or imported into Indiana is free of a communicable disease, will not become a nuisance, and will not damage a native wild or domestic species of animal or plant. These are the same requirements as those who request a fish importation permit in [312 IAC 9-10-15](#), but these provisions are needed for fish haulers and suppliers because they are exempt from needing an importation permit when importing fish. Fish haulers and suppliers typically sell fish for food purposes or to stock in private ponds, and it is important that the fish be free of a communicable disease and also not destroy existing plants and animals in a person's pond.

Business may also have to apply for additional aquatic vegetation control permits as a result of the amendments to [312 IAC 9-10-3](#). The exemptions added in [312 IAC 9-10-3](#) are currently found in [IC 14-22-9-10\(a\)](#), but the amendments to the rule provide additional clarification that the exemption to the permit to treat a 625 square foot area does not mean multiple, separate 625 square foot sections of water, it means one 625 square foot area. That same area can be treated multiple times in the same calendar year without a permit. Therefore, individuals and businesses may have to purchase additional aquatic vegetation control permits at a cost of \$5 each.

The statutory authority for the DNR Division of Fish and Wildlife in [IC 14-22-2-3](#) requires the DNR to provide for the care, management, survival, and regulation of fish in Indiana, regardless of whether they are present on public or private property. Furthermore, it is critical that the rule language be in place in order to be enforceable.

Regulatory Flexibility Analysis of Alternative Methods:

The DNR could not make these changes, thereby leaving the requirements the same as they currently exist. However, it is important that fish that are imported and sold by a fish hauler be free of disease, regardless of whether or not the fish are being sold for food purposes for human consumption or sold to be stocked in private ponds. Many of the fish stocked in private ponds are caught and eaten by citizens of Indiana and should also be free of disease. These fish that are stocked in private ponds should also not be likely to become a nuisance and eat all of the vegetation in the pond that is needed by other fish, ducks, and other species of wildlife. Additionally, the DNR receives many questions each year from individuals who need to know whether or not an aquatic vegetation control permit is required to treat their vegetation. It is imperative that the DNR clarify the intent of the statute governing this exemption to help individuals and businesses know whether or not an aquatic vegetation control permit is required. With these proposed rule changes, a business could actually make additional revenue if they have to provide more treatments for people. A business may have to do additional paperwork and pay \$5 for each additional permit, but the business could make money by having additional clients.

Posted: 02/17/2010 by Legislative Services Agency
An [html](#) version of this document.